



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3374-02
15 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 15 July 1982 after two years of prior honorable service. You continued to serve for nearly two years without disciplinary incident, but on 19 June 1984 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and wrongful use of marijuana. The punishment imposed was reduction to paygrade E-4 which was suspended for six months. On 30 August 1984 you received a letter of substandard service which noted your misconduct as a petty officer. On 11 December 1984 you submitted a written response to the letter of substandard service in which you requested retention in the Navy.

On 28 July 1987 you were convicted by special court-martial (SPCM) of drunken or reckless driving, wrongful use and possession of marijuana, and failure to obey a lawful order. You were sentenced to confinement at hard labor for 60 days, reduction to paygrade E-3, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 7 December 1987 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and post service conduct. It also considered your desire to obtain employment with state, federal, or local governments. Nevertheless, the Board concluded these factors and your desire for employment were not sufficient to warrant recharacterization of your discharge because of your repetitive drug related misconduct while serving as a petty officer, a position of leadership. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director